

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Richtone Design Group LLC,

Plaintiff,

-against-

MARY SULLIVAN KELLY and
TRUE PILATES BOSTON LLC,

Defendants.

Civil Action No.
7:22-cv-01606

**MEMORANDUM OF LAW
IN SUPPORT**

Pursuant to Local Civil Rule 1.4, Romeo Salta moves this Court for an Order granting permission for Romeo Salta to withdraw as counsel for the Plaintiff - Third Party Defendant Richtone Design Group LLC (“Richtone”) and Third-Party Defendant Sean Gallagher.

Local Civil Rule 1.4 provides as follows:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any on the calendar.

It is well settled that “when considering whether to grant a motion to be relieved as counsel, district courts analyze two factors: the reasons for the withdrawal and the impact of the withdrawal on the timing of the proceeding.” See *Blue Angel Films, Ltd. v. First Look Studios, Inc.* No. 08-cv-6469, 2011 WL 672245, at 1 (S.D.N.Y. 2011).

In the case at bar, the movant merely entered his notice of appearance as of counsel to Knull P.C. to make in-person court appearances on behalf of Knull P.C. inasmuch as Charles Knull, Esq. is based in Denver, Colorado. However, due to his current treatment for leukemia,

Mr. Knull can no longer participate in the litigation, and, as a result, Richtone and Sean Gallagher have engaged other counsel proficient in Copyright law. In short, the movant no longer has any active role in this case.

The case at bar is still in the discovery phase of litigation, and, as set forth in the Declaration of Romeo Salta, all documents related to this case in the possession of Mr. Knull have been provided to new counsel. Therefore, the withdrawal of Mr. Salta as attorney for this action would have no impact whatsoever on the timing of this proceeding. Further, Sean Gallagher, in his Declaration accompanying this motion has consented to Mr. Salta's withdrawal from this case.

For all the foregoing reasons, an upon consideration of the accompanying Declarations, Romeo Salta respectfully requests that it grant his motion to withdraw as counsel for Richtone and Sean Gallagher.

Dated: April 2, 2023



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